

## CALIFORNIA POLITICAL LAW, INC.

February 17, 2009

*Via Facsimile & U.S. Mail*

Chairman Johnson  
Commissioners Hodson, Huguenin, Leidigh & Remy  
Fair Political Practices Commission  
426 J Street, Suite 620  
Sacramento, CA 95814

Dear Chairman Johnson & Commissioners:

I write to provide comment regarding proposed Regulation 18215.3 Behested Payment Reports and Form 803. Although I prepare these reports on behalf of clients, I do not write on behalf of any client.

### *Agency Contact*

The proposed Regulation requires the elected official to provide the name and title of an "Agency Contact." Is this the person with whom the Form 803 is to be filed? This could become logistically problematic for the agency and confusing for the public as personnel changes occur within an agency.

Uncertainty exists within local government agencies regarding what person or entity should serve as the appropriate repository for these reports. In cities, the Office of the City Clerk is likely to become the repository because no central City Council entity exists to serve this function. To promote filing conformity throughout the state and to assist the public and officials, perhaps it would be appropriate for the Regulation to designate a filing official for at least some categories of filers. One logical option may be to designate the Filing Official for the elected official's Statement of Economic Interests to serve this function.

### *Multiple Payors & Payees*

The draft version of Form 803 provides space to disclose payments made by a single payor to a single payee. I strongly encourage you to consider adding "continuation" sections or pages to disclose multiple payments made to the same payee and to disclose multiple payments made by the same payor.

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It is common for donations from multiple sources to be received by a charitable organization which were behested by an elected official. For example, an elected official may sign a fundraising letter for the organization or be involved with making solicitation calls in connection with the organization's annual fundraising event. This results in one payee with multiple payors.

In other situations, a single donor may make payments to multiple payees in connection with an organization's activity which were behested by an elected official. For example, the donor may pay the costs of an organization's event invitation by directly paying the graphic designer and directly paying the print shop. This results in one payor with multiple payees.

Utilizing "continuation" sections or pages efficiently provides disclosure for payments which are often logically and/or logistically connected and avoids filing a separate Form 803 for each payee and each payor.

#### *Section 4 Date Field*

I wish to suggest increasing the size of the space provided for the date in Section 4.

In addition, the Regulation requires disclosure of the "date(s) on which the payment(s) was made" but the draft Form 803 provides just one date field.

#### *Event Description*

The statute specifically requires the filer to provide the specific purpose or event for which the payment(s) were made. However, events are not mentioned on the form or in the instructions.

To disclose event information, Section 4 could be reworked as follows:

Brief Description of Payment/Event:    ☐ Monetary Donation    ☐ In Kind Goods or Services  
(provide description of event, in kind goods or in kind services, if applicable)

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*Form 803 Website Posting*

The Regulation requires the elected official to post a copy of the Form 803 on the internet. I query whether placing the responsibility to post the Form 803 on the elected official is logistically possible at the local agency level. Local agency websites are controlled by the agency and do not belong to each individual elected official. Therefore, perhaps the responsibility to post the Form 803 should be placed on the government agency with which it is filed, rather than on the individual elected official. However, given the current dire government agency personnel cutbacks and furloughs, perhaps the website posting requirement should be set aside for the foreseeable future.

I regret that I am not able to attend your February 19 meeting to discuss this with you in person. However, I would be pleased to answer any questions via phone (cell: 213/300-0497) or e-mail (badowning@att.net) in advance of the meeting, as appropriate.

Sincerely,



Betty Ann Downing